

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
TUESDAY, MAY 3, 2005  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Pursuant to the permanent Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on May 3, 2005. The open session agenda for that day will reflect the appropriate open session item for public comment.

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Border Business Park v. City of San Diego***  
Appellate Case No. D039225; SDSC Case No. GIC 692794  
*Otay Acquisitions v. City of San Diego*  
SDSC Case No. GIC 753247  
*National Enterprises, Inc. v. City of San Diego*  
SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

**CS-2 *AFSCME Local 127 v. City of San Diego***  
PERB Case No. LA-CD-209-M

DCA assigned: Sanchez

This case involves an Unfair Labor Practice charge filed with the Public Employment Relations Board by Local 127 alleging that San Diego Charter § 129.1 regarding the removal of striking employees is an unlawful rule, and that the City's practice of requesting new employees to acknowledge receipt of the charter section intimidates and coerces employees in the exercise of their rights under the Meyers-Milias-Brown Act. In closed session, the City Attorney will brief the Mayor and Council on the status of the matter and seek appropriate direction.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):**

**CS-3 *Howard DeYoung & Citizens for the Recreation Use of Pueblo Land v. the City of San Diego, et al.***

San Diego Superior Court No. 484761

DCA assigned: Thomas

This matter involves an alleged violation of a 1983 settlement agreement in this case. In closed session, the City Attorney will brief the Mayor and City Council on the matter and seek direction.

**CS-4 *Furgatch v. San Diego Unified Port District, et al.***

San Diego Superior Court No. GIC 744288

This case concerns the Purchase and Sale Agreement between the City and Port District for the parking lot commonly known as Tailgate Park, near Petco Park. In closed session the City Attorney will advise the Mayor and City Council on the status of the case.

ACA assigned: Girard.

**Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

**CS-5 Property:** **City-owned property located at 3889 Midway Drive** consisting of approximately 8.36 acres and improved under a 55-year ground lease with a 255-unit apartment complex known as Stonewood Garden Apartments (APN 760-102-67)

Agency Negotiator: William T. Griffith, Real Estate Assets Director

Negotiating Parties: Lessee, MG Stonewood Garden Apartments, L.P.

Under Negotiation: Seeking direction pertaining to an unsolicited proposal from MG Apartments for the purchase of the fee property and a condominium conversion of the existing apartment units.

DCA assigned: Cusato

This matter involves an unsolicited proposal from MG Apartments to buy out the City's interest in the property. City staff will be seeking direction on whether to negotiate a purchase agreement and, if so, on what terms. If authorized to proceed, and negotiations are successful, City staff will submit the proposed purchase agreement for Council approval.

**CS-6 Property:** **Tailgate Park**

Agency Negotiator: Leslie J. Girard, Assistant City Attorney

Negotiating Parties: City of San Diego and San Diego Unified Port District  
Under Negotiation: Status of satisfaction of all conditions necessary to complete transfer of Tailgate Park to the Port District

ACA assigned: Girard

This matter concerns the parking lot commonly known as Tailgate Park near Petco Park. The City and the Port District entered into a Purchase and Sale Agreement whereby the Port would purchase Tailgate Park from the City. In closed session, the City Attorney will report on the status of the transaction and seek direction with respect to satisfaction of the terms of the Agreement.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

CS-7 Agency negotiators: Lamont Ewell, Bruce Herring, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127  
AFSME, AFL-CIO, Local 145 International Association of  
Firefighters AFL-CIO, San Diego Police Officers  
Association, The Deputy City Attorneys Association of San  
Diego

DCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.